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DEPARTMENT OF NATURAL RESOURCES
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September 21, 1992

Mr. Howard F. Hedrick
Bureau of Land Management
Pony Express Resource Area
2370 South 2300 West
Salt Lake City, Utah 84119

Dear Mr. Hedrick:

Re: Conditional Tentative Approval, Notice of Intention to Conduct Large Mining Operations, Materials Energy Research & Recovery Corporation (MERR), Lakeside Mountains Limestone Project, M/045/038, Tooele County, Utah

The Division has completed a review of the MERR response comments received on April 16, 1992. Under the current Memorandum of Understanding our review comments are being forwarded to the BLM acting as the lead agency.

The Division is prepared to grant a conditional tentative approval of the Lakeside Notice of Intention (NOI). A few remaining comments/concerns will need to be addressed before our final approval can be granted. These comments/concerns are listed below under the appropriate Minerals Rule number. The comments are prepared in the manner as they should go out to the operator. MERR's response should be formatted in a similar fashion.

R647-4-106 Operation Plan

The revised version of Table 4.2-1, page 22, shows increases in the disturbed acreages for the pit, waste dumps, haul road and access road. Table 7.1-1, page 69, also shows increases for the same areas. The increase in pit area may be explained by the addition of the 16 ft buffer zone. The increase in haul road acreage may be due to the final selection of the haul route. Please confirm or clarify the reasons for the increases in the disturbed acreages for the areas listed above.(AAG)

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R647-4-110 Reclamation Plan

Section 4.6, page 46, describes the placement of crusher fines on the backfilled pits prior to the placement of topsoil on these pits. Section 5.4 also describes the placement of crusher fines on recontoured pit surfaces. What is the estimated volume or depth of fines to be placed on these backfilled areas?(AAG)

In reference to section 5.42, page 52, the operator states that topsoil ripping will occur to a 6 inch depth. This should be changed to a statement that ripping will occur to a minimum depth of 12 inches.(HWS)

The seed mixture proposed on page 54 of the plan, under section 5.4.2 Seeding Methods, is too lean. The Division suggests the following mixture:

Common Name	Species Name	Rate (drill seeded) lbs/acre(PLS)
<u>Grasses</u>		
Bluebunch Wheatgrass	Agropyron spicatum	2
Western Wheatgrass	Agropyron smithii	2
Indian Ricegrass	Oryzopsis hymenoides	0.5
Alkali Sacaton	Sporobolus airoides	0.5
Canby Bluegrass	Poa canbyi	1
<u>Forbs</u>		
Desert Globemallow	Sphaeralcea ambigua	1
Yellow Sweetclover	Melilotus officinalis	0.5
Lewis Flax	Linum lewisii	1
<u>Shrubs</u>		
Fourwing Saltbush	Atriplex canescens	1
Shadscale	Atriplex confertifolia	1
Black Sagebrush	Artemisia nova	1
Forage Kochia	Kochia prostrata	<u>0.5</u>
TOTAL		12.0 (double rate if broadcast)

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The Division suggests that the operator commit to this species mixture in the plan. Test plots could be constructed and evaluated, using this mixture, during the course of the mining operation. The operator could then amend the plan, if this particular mix proves unsatisfactory.(HWS)

R647-4-112 Variance

It is the Division's opinion that the benefit of leaving an exposed highwall of approximately 70 vertical feet in Pit #7 at final reclamation, as a possible site for raptor nesting, does not outweigh the safety and reclamation benefits of a backfilled pit. Presently, we have seen no conclusive evidence that the creation of a possible nesting site is warranted. Therefore, the variance request for leaving the Pit #7 highwall will not be granted. However, if this proposal is eventually recommended by the BLM, DWR and Tooele County as a legitimate mitigative action, a variance may be granted at that time.(AAG & HWS)

R647-4-113 Surety

In section 7.2.2, page 72, the calculations for dozing costs (under the grading section) for the pit areas are based on 34.1 acres. Table 7.1-1 lists 36.2 acres for the pits including pit roads. Using this figure from the revised table would increase the subtotal for grading to \$64,000 (1992) when rounded to the nearest thousand. Please concur/dispute this adjustment.(AAG)

Also under section 7.2.2, page 72, but under the contouring section, the dump sites acreage is shown as 39.3 acres. The pit acreage is shown as 34.1 acres again. According to Table 7.1-1 the acreages for the dump sites would be 58.1 acres. Revising these two acreages in this section increases the subtotal for contouring to \$32,000 (1992). Please confirm this adjustment.(AAG)

Making the corrections described in the two preceding paragraphs would give a new total of \$920,000 (1992) for backfilling, grading, and contouring, and a grand total of \$1,133,000 (1992) for the reclamation surety estimate. This total would then become \$1,207,000 in terms of 1997 dollars. Please confirm this.(AAG)

The \$1,207,000 (1997) surety gives an average reclamation cost per acre of \$6,862 for the five year disturbance of 175.9 acres. At this time, the Division will not

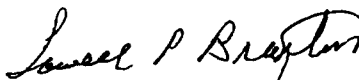
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require that a 10% contingency be added to the \$1,207,000 reclamation estimate. The Division will accept a surety for the amount of \$1,207,000 for the Lakeside Project until the year 1997, when the operation and reclamation estimate will be re-evaluated. A substantial modification or revision made to the plan prior to 1997 may require an adjustment to the surety.(AAG)

The Division will now prepare and publish a 30-day public notice of our decision to issue tentative approval. Final Division approval will be granted once the following has occurred: (1) MERR resolves the remaining concerns as outlined in this letter, (2) MERR resolves any adverse public comments (received during 30-day comment period), and (3) MERR posts the required reclamation surety which is subsequently reviewed and approved by the Board of Oil, Gas and Mining. The operator will need to notify us as to their preferred form of surety, so that we may forward the appropriate surety form along with the required Reclamation Contract agreement (FORM MR-RC).

Please contact me or D. Wayne Hedberg of my staff, if you have any questions regarding the content of this letter. Thank you for your cooperation in completing this permitting action.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

jb
cc: Jerry Blossom, Union Pacific Resources - Minerals
Minerals staff (route)
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